

MINUTES
HEALTH RELATED BOARDS
MED SPA STUDY GROUP

October 4, 2012

The meeting of the Health Related Boards' Med Spa Study Group (hereinafter "the Group"), was called to order at 4:00 p.m. in the Health Related Boards' Iris Room, 227 French Landing, Ground Floor, Heritage Place Metrocenter, Nashville, Tennessee 37243 by the Chair of the Group, Michael Zanolli, M.D. Other members in attendance and representing their licensing boards were: Rachel Powers, JD, Board of Cosmetology; Dr. Donald Bell, APN, Board of Nursing; Dr. Karen Shepherd, Board of Osteopathic Examination and Ms. Joan Gardner, Board of Medical Examiners' Committee on Physician Assistants.

Staff present included Rosemarie Otto, Interim Director, Health-Related Boards and Executive Director of the Board of Medical Examiners, Sandra Powell, Administrative Director for the Board of Nursing, and Ms. Andrea Huddleston, Deputy General Counsel and Advisory Attorney.

Dr. Zanolli opened the meeting by articulating his goals as chair of the Group. He requested each member on the panel to make a brief opening statement regarding medical spas in Tennessee.

Statement from each board or committee represented on the panel

Michael Zanolli, MD, representing the Board of Medical Examiners, presented four points. Dr. Zanolli stated that the primary goal of the Board of Medical Examiners is to protect the health and welfare of the citizens of Tennessee through licensure, disciplinary actions and rulemaking. Dr. Zanolli affirmed that this goal applies also to the Group's task relative to citizens seeking aesthetic and cosmetic type procedures and treatments. In regards to the second point, the Medical Board views the procedures and the types of treatments received at medical spas to be within the definitions of the practice of medicine. Dr. Zanolli stated currently, there is a need for safety guidelines and appropriate training for individuals who deliver those types of procedures. He further stated that it is not the intention of the Medical Board to dictate the direction of medical spa regulation. The final point, Dr. Zanolli referred to Senate Bill 2275 and its many revisions during its review in the General Assembly. In regards to the document, Dr. Zanolli stated that the Medical Board would be interested and strongly recommends that there be only one standard for regulation of the performance of aesthetic procedures, which includes the practice of medicine.

Dr. Don Bell, APN, chair of the Board of Nursing, agreed with Dr. Zanolli's statement regarding the health, safety and welfare of the citizens of the State of Tennessee. Dr. Bell stated the Board of Nursing has the same primary mission but beyond that, the Board has not had an opportunity to review the resolution. Dr. Bell is interested in gathering information about those matters that gave rise to the resolution that created the Group. Specifically, what is the nature of the problem and how widespread is it. That information will be provided to the Board of Nursing along with progress reports on the progress of the Group.

Dr. Karen Shepherd, DO, representing the Board of Osteopathic Examinations echoed the mission of the board she represents is to protect the public's health, safety and welfare. She noted that with the increase in medical spas, concerns about their safety have developed which need to be addressed, specifically is appropriate care being provided by appropriate practitioners.

Ms. Joan Gardner, PA, representing the Committee on Physician Assistants stated her concerns for the healthcare of the citizens of Tennessee as well as concerns relative to substandard care. Ms. Gardner suggested researching regulations to see if the quality of care is being carried out in the treatment at medical spas. She further stated that these are treatments and procedures that may need to be carried out by a license medical person. Ms. Gardner stated she is familiar with aesthetics and skincare as some of the laser treatments are performed in her medical office and conducted by a licensed medical doctor.

Ms. Rachel Powers, JD, represented the Board of Cosmetology. Ms. Powers stated the mission of the Board of Cosmetology is to regulate the practice of Cosmetology, as well as to protect the health and safety of the public. Ms. Powers conveyed to the panel that the current cosmetology laws and rules fall short of specific regulations relative to cosmetic procedures and thus they lack the underlying ability to regulate practitioners in this area. Furthermore, significant legislative actions would have to occur before effective regulations could be instituted.

Panel Discussion

Dr. Zanolli asked Ms. Powers to give a brief overview about the Attorney General's Opinion. Ms. Powers informed the panel that the Board of Cosmetology was presented with an opinion but have not reviewed it since its recent issuance. Dr. Zanolli asked that it be part of the public record. Ms. Powers explained procedures regarding how disciplinary issues are handled by the Board of Cosmetology and further informed that there are approximately 80,000 licensed cosmetologists in Tennessee. Ms. Shepherd asked Ms. Powers whether med spas were more physician and medical oriented than the standard cosmetology services. Ms. Powers elaborated on the difference as related in the rules and regulations. Dr. Zanolli suggests obtaining information of what defines a medical spa.

After further discussion, Dr. Zanolli opened the meeting for recognition of groups signed in as interested associations or owners of Med Spas and their comments.

Comments

Matt Scanlon, representing the International Aesthetics and Laser Association, addressed the panel members. Mr. Scanlon gave a brief overview of the extensive training the company requires from a trainee before there is any interaction with patients. If panel members were interested, Mr. Scanlon suggested a representative from the company appear and give a presentation in regards to the training provided. In closing, Mr. Scanlon informed members that he strongly supports some type of additional training in regards to medical spas.

Mona Sappenfield addressed the panel and stated her involvement with the discussion of medical spa regulations since 2003. Ms. Sappenfield stated she understands the concerns of operating laser based technology, untrained and unregulated individuals and entities. In closing, Ms. Sappenfield commented on the safe operations her company follows with proof of supporting letters and references from satisfied clients.

Jim Walker, owner of Eden Spa and Laser in Memphis, Tennessee addressed the panel. Mr. Walker discussed the evolution of legislation. He indicated that when it became evident that non physicians owned med spas, a legislative solution became more problematic. He closed his time by giving his support for the needed regulations.

Steven Bengelsdorf, MD, principal for the Franklin Center for Skin and Laser Surgery, has been involved in the issue for approximately four years. Dr. Bengelsdorf stated that patients come to him after getting burned or injured from other places. He expressed his opinion on living and non-living tissue and stated that if an Aesthetician damages living tissue, it is a problem and many individuals are being injured but are reluctant to make their injuries known either through civil litigation or complaints to licensing boards because there are either embarrassed or simply can not afford expensive litigation.

Elizabeth Parks, Board Certified Nurse Practitioner, representing Veropelli Skin Care Center and Wellness Solutions, Inc. addressed the panel. Ms. Parks agreed with the comments from Mr. Walker and Mr. Scanlon and further stated she has concerns with the scope of the problem. Ms. Parks stated there needs to be more hard data on doctor outcomes versus unlicensed profession outcomes and other license profession outcomes when these procedures are performed.

Zane Carroll appeared on behalf of his wife and addressed the panel members. Mr. Carroll explained that his wife was injured at a med spas and obtained second degree burns. Mr. Carroll agreed that there should be extensive training regarding procedures that are being conducted at med spas.

Panel/Guest Discussion

The panel continued to discuss the issues and comments offered by the audience. Ms. Powers suggested obtaining information on how Georgia handles med spa issues. Dr. Zanolli asked that administrative support staff obtain information on Georgia laws and how med spas are being regulated. Dr. Zanolli stated that there have been some states that have just passed legislation regarding medical spas that are similar to what our legislation is going to try to do in the next year. For the record, Dr. Zanolli expressed that the Boards do not make the laws and are not legislators. Dr. Zanolli stated there are rules that can be made by each of the Boards regarding people they regulate.

The panel agreed to schedule the next meeting on November 15, 2012. After the discussion ended, the meeting was adjourned.